

# Human Rights in the School

Guidelines for  
Educators,  
Students, Parents  
and other  
School Participants

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THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA



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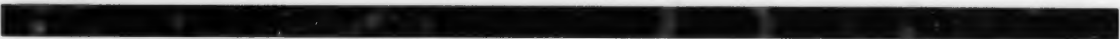
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*"In my travels ... I have been concerned with many things, but the underlying factor which is basic to all these concerns is human rights. Human rights and all that this phrase implies is based on the value of human worth and of personal dignity."*

*Eleanor Roosevelt, Chairperson, United Nations Commission on Human Rights, 1946-1951, in her introduction to Give Us the Tools by Henry Viscardi.*



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# Foreword

**T**his guide will be welcomed by all educators interested in building an environment in which our students can learn to understand, respect and promote basic human rights for all. While human rights education is becoming an area of increasing interest across the country, resource materials are needed to support this area of study.

Happily, a good deal of national and international legislation today reflects a clear concern for human rights. Our own Canadian Charter of Rights and Freedoms is an example of such an effort. However, while laws are necessary, they are not a sufficient means of protecting human rights. It is the responsibility of all of us to take positive steps to ensure that the fundamental principles reflected in these laws are observed. This commitment begins with ensuring that our own behaviour reflects our belief in human rights.

As individuals, we must recognize that our own attitudes and conduct either threaten or promote the dignity and rights of others. It is therefore necessary that we make a conscious effort to analyze our behaviour. We can begin with a willingness to look within ourselves and our families, organizations, institutions and other groups and consider our behaviour in relationship to the principles of human rights. This kind of examination has most often followed gross violations of human rights. By empha-

sizing the need for an ongoing examination of our attitudes and conduct, resources such as this guidebook may reduce the incidence of human rights violations.

Human rights curriculum material is currently being developed and implemented in Manitoba and across the country. Its effectiveness will be severely limited if the school climate in which it is taught does not exemplify the fundamental principles of justice and human rights. Our schools must reflect a belief in the basic equality of all people, irrespective of race, sex, cultural background, physical or mental ability, sexual orientation, family status, age, economic status or other characteristics. Schools and classrooms present opportunities to model just social systems which respect the rights and freedoms of all participants.

Reviewing the extent to which our schools meet basic human rights can be a threatening exercise. However, our visions of tomorrow will be influenced strongly by our practices of today. If we cherish the ideal of shaping a future based on values that are consistent with a humane, just and democratic society, then we must be willing to put forward the extraordinary effort and commitment necessary to help us move closer to this ideal. This guidebook will assist us on that journey!

*Strini Reddy  
Chief Superintendent  
Frontier School Division  
1985-91*



# Introduction

## What Is The Purpose Of The Guide?

**T**his guide is designed to assist individuals to review the extent to which their school meets human rights standards of school management as well as to facilitate enhancement of human rights practices in schools. Most importantly, this guide is intended to assist educators in establishing a learning environment in which students have equality in learning opportunities, in which students can fully participate, and in which fairness prevails.

Articles 26(1) and 26(2) of the United Nations Universal Declaration of Human Rights<sup>1</sup> state:

- (1) *Everyone has the right to education ...*
- (2) *Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*

The drafters of the Universal Declaration of Human Rights, as well as the countries which ratified it, recognized the importance of the education process in furthering the principles of human rights. Observance of human rights principles requires recognition of the worth of each individual and allows full and equal attainment of human potential. Human rights education is simply good education.

Because of the significant influence of the school in the socialization process, the education system is key to developing in young people a knowledge and understanding of the rights and responsibilities of both national and global citizenship. Human rights curriculum is one important component of human rights education. Another component, per-

haps of equal if not greater importance however, may be that information which the school unintentionally transmits to students through its school management practices. A human rights education program will be most effective in a school environment which exemplifies respect for the dignity and worth of each individual and which makes the human rights principles of equality, justice, democracy, freedom and peace central to its philosophy and practice.

## Who Should Use The Guide?

This guide is intended as a resource for school administrators, students, teachers, parents and others involved in schooling who wish to examine human rights as they apply to the education process in a school setting.

It is anticipated that any school that decides to use this resource is already making efforts to operate in a manner which is consistent with human rights philosophy. This guidebook is primarily designed to assist those already committed schools to more systematically assess their operation and to make further progress, where needed and desired, in their commitment. The guide attempts to concentrate on practices which are within the management control of the school. Implementation of the suggested standards, however, requires the cooperation of school divisions and/or provincial departments of education.

Implementing this guide will also require the commitment of school resources — something that many schools find in short supply. Hopefully, the school wishing to implement the guidebook will be able to access those necessary resources.

Although primarily of interest to those individuals who are active within the school, parts of the guide may also be of interest to school boards, textbook publishers, provincial departments of education and others whose work and decisions impact on the operation of the school.

1. Signed December 10, 1948.

## What Is The Guide?

The guide contains eight chapters designed to take the reader step by step through an examination of human rights practices in the school. Chapter 1 contains a brief explanation of the guide. Chapter 2 is an introduction to human rights. Chapter 3 provides an overview of the process for implementing the guide. Chapters 4 through 8 deal with the heart of the guide, the diagnostic checklists. The checklists address standards for adherence to human rights principles throughout the school environment. The checklists are broken down into those human rights principles which might be considered most relevant to schools — justice, democracy, fundamental freedoms and equality.

This guide is not intended to provide the user with legal advice on a school's compliance with the Canadian Charter of Rights and Freedoms<sup>2</sup> or other legislation. Rather, it examines human rights from a humanistic, philosophical and ethical perspective. If the user has concerns about the school's legal position regarding a particular issue, she or he should seek the advice of a lawyer.

## The Canadian Charter Of Rights And Freedoms

The focus of this guide is human rights as set out in the widely acclaimed international instrument, the United Nation's Universal Declaration of Human Rights. Because of its significance to human rights in Canada, however, brief consideration will be given to the Canadian Charter of Rights and Freedoms and its significance for educators.

The Canadian Charter of Rights and Freedoms was entrenched in Canada's constitution in 1982. It has been called "the supreme law of Canada."<sup>3</sup> It guarantees that our governments respect certain fundamental rights.<sup>4</sup> The Charter has great significance. It has reinforced Canada's commitment to democracy and human rights. It specifies human rights standards to which federal, provincial and territorial governments must adhere. Furthermore, it provides legal remedies for those whose rights are infringed upon by a government department or agency.<sup>5</sup>

The impact of the Charter for schools is quite profound. Before its passage, judges tended to respect the power of school authorities to make and implement school policy.<sup>6</sup> The Charter now appears to give individuals the power to challenge that autonomy where there is infringement of Charter-guaranteed rights and freedoms. Although the Supreme Court has not yet ruled on the question of whether school boards and school personnel are bound by the Charter, many legal scholars assert that they are so bound.<sup>7</sup>

The impact of the Charter on provincial legislation can be seen in the case involving Québec's Bill 101.<sup>8</sup> Bill 101 restricted access to English language education. The Supreme Court of Canada unanimously struck down that provision of the legislation due to its incompatibility with the Charter guarantees for minority language educational rights.

On the assumption that it has broad application to the school system, the Charter would appear to allow students and others to challenge school rules

2. Part I, Constitution Act, 1982, Schedule B, Canada Act 1982 (U.K.), 1982, c.11.

3. Law Society of Upper Canada v. Skapinker (1984), 9 D.L.R. (4th) 161, [1984] 1 S.C.R. 357.

4. Protection of rights between individual citizens is governed by provincial, territorial and federal human rights laws.

5. See McKinney et al. v. Board of Governors of the University of Guelph and A.G. for Ontario et al. (1990), 118 N.R. 1 (S.C.C.).

6. Wayne A. MacKay, "The Canadian Charter of Rights and Freedoms: Implications for Students," in Michael E. Manley-Casimir and Terri A. Sussel (eds.), Courts in the Classroom: Education and the Charter of Rights and Freedoms (Calgary: Detselig, 1986), pp. 10-11.

7. See for example *ibid.*, p. 15 and Romulo Magsino, "Students Rights and the Charter: An Analysis of Legal and Extra-Legal Considerations" (1989), 1 Education Law Journal (No. 2), 237. However, in light of the restrictive interpretation given to s. 32(1) of the Charter by the Supreme Court of Canada in its 1990 decision, McKinney et al. v. Board of Governors of the University of Guelph and A.G. for Ontario et al. (see note 5), this question may only be definitively answered by the Supreme Court.

8. Quebec Association of Protestant School Boards et al. v. A.G. of Quebec et al. (1984), 54 N.R. 196. See also R. v. Big M, Drug Mart, [1985] 1 S.C.R. 295, 18 D.L.R. (4th) 321.

where the content of such rules offends the rights guaranteed by the Charter or where the procedures for enforcing the rules do not comply with constitutional standards.<sup>9</sup>

There are few Supreme Court of Canada decisions in this area to date. It is therefore difficult to predict exactly how the Charter will influence school policies and procedures. There have been some lower court decisions declaring compulsory religious exercises in schools to be contrary to the Charter guarantee of freedom of religion.<sup>10</sup> Other decisions have limited the school's ability to, among other things, detain or suspend students.<sup>11</sup> Additional issues likely to arise are those involving search and seizure, freedom of speech and equality rights.

Nonetheless, the courts continue to recognize the need for a degree of administrative autonomy on the part of educators.<sup>12</sup> This, together with our traditional Canadian regard for "peace, order and good government," implies that the Supreme Court will likely exercise a degree of moderation in its approach to rights and freedoms in schools.<sup>13</sup> It is clear, nonetheless, that educators must now give serious consideration to the Canadian Charter of Rights and Freedoms and to the upcoming Supreme Court decisions in this area.

9. See note 6, p. 18.

10. *Zylberberg et al. v. Sudbury Board of Education* (1988), 29 O.A.C. 23.

11. See Magsino, note 7, pp. 237-245. There are conflicting court decisions in this area. At the time of writing, the Supreme Court of Canada had not dealt with these issues.

12. Romulo Magsino, "Teacher and Student Rights Within the Denominational Schoolhouse Gate," in William A. McKim (ed.), *The Vexed Question: Denominational Education in a Secular Age*. (St. John's, Nfld.: Breakwater Books, 1988), pp. 149 and Magsino, note 7, pp. 236 and 255.

13. *Ibid.* See also Magsino, note 7, pp. 11 and 41.



**T**he last several decades have witnessed a multitude of changes to Canadian society. These include the increased participation of women in the paid labour force, the reshaping of many of our social institutions, as well as marked advances in technology. With economic development and increased social diversity, the social, legal and philosophical issues to be considered on a daily basis are becoming increasingly complex.

Despite growing attention to the recognition and protection of human rights, the observance of human rights continues to present significant challenges. Throughout the world, many governments in power refuse to recognize the rights of large numbers of their citizens. States differ in their commitment to social justice. Societies may also lack an understanding of human equality and an appreciation of diversity. These values will all be reflected in which human rights principles are recognized and in how human rights are observed.

Human rights, by their very nature, touch us on a personal level and may challenge our belief systems. Human rights discussions are frequently passionate and controversial. The temptation for those charged with the responsibility of ensuring that society respects human rights may be to ignore such concerns in the hope that they will either resolve themselves or simply fade away. This approach is especially unjust to those suffering oppression or inequity. Further, the price of not safeguarding human rights can be social unrest and upheaval — witness the events surrounding the struggles for recognition of Native land claims and French language rights, as well as the women's suffrage movement in Canada and elsewhere.

A further consequence of not addressing the protection of rights is the loss of human potential. Observance of human rights principles requires

respect for the dignity and worth of each individual. Such validation provides a foundation which enables all members of society to reach their potential as human beings and thereby make full and meaningful contributions to society. Disregarding human rights deprives individuals, and often entire groups, of the opportunity of achieving full participation in society and, in turn, robs society of their contribution.

Human rights are generally defined as fundamental, inalienable rights claimed by virtue of being human. They are rights that we, as individuals, all possess equally. They are the essentials to which we are all entitled in order to preserve the integrity and dignity of life. They include freedom of movement, the right to vote, the right to work, the right to security of the person, as well as the right to privacy and the right to express oneself freely and openly.

Human rights can be divided into two categories. Civil and political rights include the right to equality, justice and democracy. Social and economic rights refer to such rights as the right to work, the right to own property, the right to an adequate standard of living, and the right to be free from hunger.

All human rights are important. They are interdependent and interrelated, for it is their recognition as a whole which provides the foundation for acknowledging the dignity and worth of each individual.

## The Development of Human Rights

The notion of human rights has its roots in ancient societies, traditional religious beliefs, and early philosophical thought. Only recently, however, has

there been a political recognition of human rights, including governmental undertakings to enact human rights legislation, for all members of society.

Prior to World War II, there were few legal mechanisms designed to safeguard human rights. The horror and devastation of World War II brought a significant increase in the concern for preventing such future conflicts and human rights atrocities. In 1945, the United Nations was formed. Its primary purpose was the maintenance of peace and the promotion of human rights. Shortly thereafter, the U.N. drafted the Universal Declaration of Human Rights and it was passed by unanimous vote in 1948. This document was to serve as a "common standard of achievement for all peoples and all nations."<sup>14</sup>

The Universal Declaration of Human Rights, set out in Appendix II, begins in Article I by affirming: "All human beings are born free and equal in dignity and rights." In the 30 articles which follow, the Universal Declaration asserts each individual's right to life, liberty and security, as well as to equality, democracy, justice and basic social and economic rights.

Whether or not the Universal Declaration is legally binding on the countries which signed it is a matter of debate amongst human rights scholars. It nevertheless serves as an important standard for behaviour according to which individuals, institutions and nations can be, and are, judged. Human rights laws, including the Canadian Bill of Rights of 1960, our federal, provincial and territorial human rights codes, and the Canadian Charter of Rights and Freedoms, have evolved from the principles articulated in the Universal Declaration.

## Rights and Responsibilities

Human rights, as stated previously, include a number of civil, political and basic economic and social rights. These rights, however, are not, for the most part, considered to be absolute in nature. Some limitations are essential. As members of society, our actions necessarily impact on others. Individuals are entitled to exercise their rights and freedoms only to the extent that they do not infringe unreasonably on the rights and freedoms of others.<sup>15</sup> For example, the Criminal Code, in section 181,<sup>16</sup> states that one's right to freedom of expression does not entitle one to publish materials which one knows are false and which are likely to cause "injury or mischief to a public interest".

Rights and freedoms, then, must be exercised responsibly. They are subject to reasonable limitations. It is easy to agree that a person's right to freedom of movement, for example, does not entitle that person to drive his or her car into that of another. But what can be considered reasonable is not always easily agreed upon. Careful consideration may be necessary to balance conflicting rights and freedoms of individuals in any given case.

## The Human Rights of Children

To what extent do children possess human rights? The answer is not a simple one. The U.N. Declaration of the Rights of the Child states that children have the right to grow up in freedom and with dignity (See Table I). The Declaration includes such rights as the right to wholesome food, housing, medical care and free education and the rights to love and understanding. While this Declaration is supported in principle by the countries which have ratified it, it is not legally binding.

14. Preamble.

15. Universal Declaration of Human Rights, art.29.

16. R.S.C. 1985, c. C-46, as amended.

In principle, children are also entitled to all the human rights and freedoms which adults possess. The Universal Declaration does not restrict its statement of human rights to adults. In fact, Article 2 expressly declares that all human beings are entitled to be treated equally, regardless of, among other things, age.

Yet children differ greatly from adults in two key areas — needs and abilities.<sup>17</sup> Children have special needs that adults may not share to the same degree, such as the need for protection from forces which would prey upon their vulnerability. At the same time other human needs, such as the need for meaningful work, are not as relevant to children.

Children also differ from adults in their ability to bear responsibility. This poses a problem in determining the human rights of children, for rights often have corresponding responsibilities. As discussed earlier, human rights philosophy demands that rights be exercised responsibly so as not to infringe unreasonably on the rights of others. Yet, the lack of maturity of children can limit their ability to exercise their human rights responsibly.

Because both children's needs, as well as their ability to bear responsibility, differ from those of adults, one may be tempted to conclude that human rights are not applicable to children.

In Canadian society, and in fact throughout the world, children have few rights which are sanctioned by law. What legal rights children do possess in Canada generally stem from a social attitude of protection rather than one of inherent rights.<sup>18</sup> One has to question, however, whether society's restrictive attitude towards children's rights is fair and reasonable, and is, in the end, to the benefit of children and society.

Without question, adult caregivers have a responsibility to provide physical care and guidance to chil-

dren and young people. Yet as children mature, their ability to make choices regarding their own self-determination also grows.

Restrictions on the rights of children, legal and otherwise, are largely based on a presumption of incapacity until the age of majority. Yet children vary greatly according to age groups and individual attributes. Some are indeed capable of assuming adult responsibilities. If society's responsibility is to enable children to become full and contributing members of society, it is necessary to consider whether this is best accomplished through a restrictive atmosphere or an atmosphere of freedom.<sup>19</sup>

The "equality section" of the Canadian Charter of Rights and Freedoms, further puts into question society's right to arbitrarily restrict the rights and freedoms of children and young people. It is not yet clear, however, how the courts will interpret Section 15.

The issue of children's rights was examined in British Columbia in 1975 by the Royal Commission on Family and Children's Law. The Commission recommended new legislation containing a statement of twelve rights of children. Included are the rights to health care, parental support and guidance and the right to be informed of their (children's) rights. This recommendation, however, was not adopted into law. The complete text is set out in Table II.

At the international level, a proposition was put forward by Poland in 1979, the International Year of the Child, that an international convention on children's rights be developed. Consequently, a working group, in which Canada was an active member, prepared a draft convention which was adopted by the General Assembly of the United Nations on November 20, 1989.<sup>20</sup> The nature of its adoption stipulated that, before it could come into

17. See David A. Cruikshank, "Rights of Children," in R. St. J. MacDonald and John D. Humphrey (eds.), *The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms* (Toronto: Butterworths, 1979), p. 213.

18. For a more in-depth look at the legal rights of children, see for example, note 6, pp. 9-50.

19. Romulo F. Magsino, "Student Rights in Canada: Nonsense upon Stilts?" in Heather Berkeley, Chad Gaffield, and W. Gordon West (eds.), *Children's Rights: Legal and Educational Issues* (Toronto: O.I.S.E., 1978), pp. 101-102.

20. United Nations Children's Fund, *The State of the World's Children* (Oxford: Oxford University, 1989), p. 12.

full force, it had to be ratified by twenty state governments. This having been accomplished, the Convention on the Rights of the Child came into effect on the 2nd of September, 1990.

The convention groups children's rights under the headings of "Survival", "Protection", and "Development". It serves as recognition within the international community that the responsibility for the physical, emotional and developmental well-being of children rests, not only with the caregiver of children, but with governments, as well.

As of July, 1991, there have been over 60 countries which have ratified the Convention on the Rights of the Child. Although signed by our Prime Minister in May of 1990, Canada is not yet one of the countries to have ratified the document. Canada's process for ratifying such documents tends to be time-consuming, due primarily to the federal system of government. Ratification is expected by the end of 1991. It will undoubtedly provide some much needed leadership and guidance, at both the national and international level, concerning the rights of children.

Those in favour of reform recognize that there are no easy answers to the question of what rights should be accorded those under the age of majority. Given the above discussion, however, a strong argument can be made for a more flexible approach. Such an approach may favour according rights to children based on their level of maturity and on the extent to which they are able to bear responsibilities which are commensurate with those rights.<sup>21</sup>

Such an approach to the determination of rights requires wisdom and discernment. Nonetheless, in

order to develop in children a healthy respect for human rights, it is necessary to examine the manner in which adult society communicates respect for the dignity and worth of its children and young people.

## Conclusion

Canadians have made considerable advancements in this past century in regard to human rights. The Universal Declaration of Human Rights and the international conventions which have followed it have established human rights standards for all nations to follow. Giving effect to human rights, however, is more problematic. One of the difficulties stems from the fact that many rights are not absolute, requiring that a balance be achieved between the rights of each member of society. Attempting to decide how best to achieve this balance is a challenge often met with uncertainty, controversy and even resistance.

A further difficulty in the embracing of human rights has been the reluctance by certain groups with power and privilege in society to recognize and co-operate in the elimination of the inequity and oppression, of other groups.

The establishment of international standards of human rights and of human rights legislation has marked a step forward in society's recognition of human rights. Ensuring that such standards and laws are implemented effectively will require continual commitment and evaluation. There are many challenges ahead, and we, as a society, have both the opportunity and the obligation to educate ourselves and others about the means of meeting these challenges.

21. See note 19.

**Table I**                      **DECLARATION OF THE RIGHTS OF THE CHILD (1959)**  
**Plain Language Version (UNICEF)**

- 
- |                    |                                                                                                                                                                                        |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Principle 1</b> | All children have the right to what follows, no matter what their race, colour, sex, language, religion, political or other opinion, or where they were born or who they were born to. |
| <b>Principle 2</b> | You have the special right to grow up in a healthy and normal way, free and with dignity.                                                                                              |
| <b>Principle 3</b> | You have a right to a name and to be a member of a country.                                                                                                                            |
| <b>Principle 4</b> | You have the right to good food, housing and medical care.                                                                                                                             |
| <b>Principle 5</b> | You have the right to special care if handicapped in any way.                                                                                                                          |
| <b>Principle 6</b> | You have the right to love and understanding, preferably from parents, but from the government where you have no parent.                                                               |
| <b>Principle 7</b> | You have the right to go to school for free, to play, and to have an equal chance to be what you are and to learn to be responsible and useful.                                        |
| <b>Principle 8</b> | You have the right always to be among the first to get help.                                                                                                                           |
| <b>Principle 9</b> | You have the right not to be harmed and not to be hired for work until old enough.                                                                                                     |
- 

**Table II**                      **STATEMENT OF CHILDREN'S RIGHTS<sup>22</sup>**

- 
1. The right to food, clothing and housing in order to ensure good health and personal development.
  2. The right to an environment free from physical abuse, exploitation and degrading treatment.
  3. The right to health care necessary to promote physical and mental health and to remedy illness.
  4. The right to reside with parents and siblings except where it is in the best interests of the child and family members for the child to reside elsewhere.
  5. The right to parental and adult support, guidance and continuity in the child's life.
  6. The right to an education which will ensure every child the opportunity to reach and exercise his or her full potential.
  7. The right to play and recreation.
  8. The right to be consulted in decisions related to guardianship, custody and a determination of status.
  9. The right to independent adult counselling and legal assistance in relation to all decisions affecting guardianship, custody, or a determination of status.
  10. The right to a competent interpreter where language or a disability is a barrier in relation to all decisions affecting guardianship, custody, or a determination of status.
  11. The right to an explanation of all decisions affecting guardianship, custody, or a determination of status.
  12. The right to be informed of the rights of children and to have them applied and enforced.
- 

22. *Fifth Report of the Royal Commission Family and Children's Law, Part III, Children's Rights* (Victoria, B.C.: Queen's Printer, 1975), at pp. 6-7. This statement formed part of the Commission's recommendations. It was never made into law.



# Using the Guide

**T**his guide has been developed to assist the reader in assessing the extent to which a given school puts human rights principles into practice. The preceding chapters have discussed some human rights concepts and their embodiment in law and policy. This chapter will propose establishing a committee to review the school's human rights practices and to structure a process to strengthen the observance of human rights principles within the school. The following chapters provide checklists designed to aid in the evaluation process. The checklists focus on the issues of equality, democracy, justice and fundamental freedoms. What follows are suggested steps for using these checklists to review and improve human rights practices in the school.

## 1. Commitment to Human Rights

A prerequisite to using this guide is a commitment to human rights and a desire to examine the extent to which human rights are given effect within the school. Without this commitment, the exercise will not be effective.

As well as an understanding of the relevance and application of human rights to the school, a commitment of time and resources is required. The amount of both time and resources will be affected by the nature of each school's investigation and, of course, the resources available.

Assessing and developing the school climate will likely require a minimum of 10-18 months.

## 2. Establishing a Steering Committee

Once a commitment to the issue is made, it will be necessary to determine who is to be involved in implementing the guide. Implementation will generally be most effective if a broad range of school

participants are involved, including administrative, teaching and non-teaching staff, students, parents and volunteers. One possible means of involving such a range of individuals is by establishing a human rights steering committee.

The committee should ideally be made up of representatives from each group of school participants. A sample committee description is set out in Table III. The exact composition, duties, responsibilities and time lines will be established by each school. It is recommended that the composition of the committee be reflective of the school population and of society. Such a committee would aim at participation on the committee of both women and men, boys and girls of differing races, religions, ethnic and cultural backgrounds, ages, physical abilities and economic and social lifestyles.

It is important to allot sufficient time for committee formation and establishment. Initially, a general meeting of interested school participants could be held to discuss the goals of the guidebook, the process of implementing it and possible time frames.

Care should be taken that the meeting is publicized in a manner which informs and invites all potential participants. For example, notice of the meeting may be published in local ethnic newspapers. Care should also be given to scheduling the meeting so as to include as many potential participants as possible. For example, if meetings are scheduled during the workday only, working parents will, to a large extent, be excluded from attending.

Once a core of interested school participants has formed, the committee may ask itself if it is reflective of the school and the community. If one or more groups are not represented or are underrepresented, efforts should be taken to understand this lack of representation and to make changes or to make efforts to achieve full representative participation.

### 3. Committee Orientation

Once the committee is formed, it is important to take the time for committee orientation, which could take one or more meetings. The group has to decide on a number of issues. The process for chairing the committee must be established. This process should be as democratic and co-operative as possible. Two options are the election by the committee of one chairperson. Another option is that of a rotating chairperson in order to share the responsibilities and experience. Other issues to be determined are the schedule for meetings, budget, as well as child expenses and other volunteer expenses.

The object of the orientation is to familiarize everyone with each other, the guidebook and the task at hand. Expectations of committee members can be discussed. Resource materials can be gathered and shared. Training to enhance the knowledge and skills of the committee members can be planned. For example, a workshop on human rights could likely enhance the committee's knowledge of human rights and provide a forum for sharing of ideas or concerns about the topic.

The orientation session is also a time for open discussion among committee members of concerns, expectations and personal realities.

Effective orientation, then, will enable the committee to function with greater understanding and effectiveness. It can also provide a foundation to develop the commitment necessary to achieve its goals and objectives.

### 4. Investigation

Once the steering committee has been formed, it can begin the review of human rights practices in the school. It would be up to each school's committee to agree upon exactly how this will be done. The review may differ depending on from which group of school participants one is seeking feedback. For example, most pilot schools found a half day inservice effective for obtaining staff feedback. This method, however, may not be practical for the purpose of seeking student and parent input.

It is recommended that the committee consider seeking input from as many sources as time and resources will allow. The greater the involvement of school participants, the greater will be their sense of ownership of the process and the more likely it will be that the human rights plan will be successful. Where time and resources are of particular concern, however, a representative group of school participants may still provide accurate feedback.

**Table III****HUMAN RIGHTS STEERING COMMITTEE****Purpose:**

To determine the extent to which the school observes human rights in its practices and procedures, and to develop a plan, if necessary, to enhance human rights practices in the school.

**Composition:**

The committee is to be representative of all school participants including teachers, students, parents, administrators and non-teaching staff. As much as possible, it is to be gender-balanced and representative as to the races, religion, cultural and ethnic backgrounds, ages, physical abilities and economic and social lifestyles of school participants and members of society.

**Duties and Responsibilities:**

- To establish the method and timelines for investigating human rights practices in the school.
- To assist in the collection and analysis of information on human rights school practices.
- To determine, whenever necessary, a plan of action to improve human rights practices in the school.

**Member Requirements:**

- Commitment to the promotion of human rights principles and the purpose of the committee.
- Ability to make time commitment.

**Time Commitment:**

- (1) Committee organizing and orientation — approximately 4-8 weeks.
- (2) Investigation phase — approximately 4-12 weeks.
- (3) Planning phase — approximately 8 weeks.
- (4) Plan implementation phase — approximately 6-18 months, depending on the nature of the plan.

**Accountability:**

To be determined by the committee.

## 5. Assess the Findings

Once the findings are assessed, a school may find that it has both strengths and deficiencies in its human rights practices. A school with an autonomously functioning student council, for example, may have some distance to go in observing the equality rights of the students. Likewise, a school with a strong anti-racist program may, in fact, have overlooked many sexist practices.

As well, not all individuals responding to the checklist may see things the same way. The ideal goal is primarily to reach an overall impression of the school's strengths and weaknesses in terms of human rights practices.

Depending on the results of the investigation, it may be concluded that changes are required to enhance human rights practices in the school. The exact changes called for should be based directly on the needs identified from the investigation. The resource constraints which are a reality for most schools may require that the needs which have been identified have to be prioritized and that changes called for will have to be implemented over a realistic period of time.

Assessing the need for change will not necessarily end once the formal investigation has been conducted. Hopefully, this process will raise the awareness of school participants which will naturally result in an ongoing process of review.

## 6. Identify Desired Outcome: Goals and Objectives

Once the school's needs have been established and prioritized, a plan of action can be developed. It is desirable that a plan start with the formulation of goals and objectives for the school.

Goals are a broad or abstract statement of the achievements to be attained. Objectives, on the other hand, spell out as clearly as possible what results are expected. More specifically, objectives must be:

- i) specific — they should state as precisely as possible what is to be achieved and when;
- ii) realistic — objectives should be realistic, given the time and resources available, but should still represent a challenge;
- iii) consistent — objectives must also be consistent with the overall mandate of the school.<sup>23</sup>

The results of an investigation may indicate, for example, that a school has a strong regard for democracy and freedom. They may show, however, lesser regard for the principles of justice and equality, especially in relation to gender discrimination. The committee may then decide that particular attention is needed in the area of gender equality. Other areas of concern may be addressed in tandem as the issue of gender equality is under study and review. The following goals and objectives for the subsequent school year could then be established, relating to gender equality.

23. See Marlene Wilson, *The Effective Management of Volunteer Programs*, (Boulder, Colorado: Volunteer Management Associates, 1981), p. 78.

**EXAMPLE 1****Goal:**

Implement school policies and procedures which are designed to address and improve gender equality rights of school participants in the following areas:

- (1) School curriculum
- (2) Classroom
- (3) Athletic programs
- (4) Co-curricular programs
- (5) School Counselling programs
- (6) Testing and assessment
- (7) School management
- (8) Employment policies and practices
- (9) Professional development of staff.

**Objectives:**

- (1) Establish school policies designed to recognize, eliminate and prevent gender bias and sexism, including sexual harassment by (date).
- (2) Increase women's studies<sup>24</sup> content in the school curriculum by (date).
- (3) Establish by (date) equal accessibility of students of both genders to:
  - i) Courses
  - ii) Athletic programs
  - iii) Co-curricular programs
  - iv) Leadership programs
  - v) Employment positions in the school.
- (4) Establish ongoing procedures for assessing gender inequality in the school and strategies for correcting said inequality by (date).

- (5) Develop staff inservices to address curriculum content on women's studies and sexism in education by (date).

- (6) (a) Review the school's employment practices including recruiting and hiring practices, conditions of work, promotions and dismissals, to ensure that they are free of gender discrimination by (date).

- (b) Establish employment policies and practices which ensure equality of opportunity and affirmative action if necessary for applicants and staff of both genders.

**7. Establish a Plan of Action**

An effective plan of action generally sets out how the objectives will be achieved. It states specifically what is to happen, who is to do what and when it is to happen. It will need to take into account the amount of time and resources required. Lines of responsibility should be clearcut and the method for monitoring progress spelled out. (See the Sample Action Plan set out in Table IV on the following page.)

24. See definition in Appendix I.

**Table IV** **SAMPLE ACTION PLAN**

Objective: To significantly increase, within two years, women's studies<sup>25</sup> in the school curriculum.

| Activity                                                                                                                                                                             | To be done by whom | By when                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------|
| (1) (a) Develop draft policy prohibiting sexist language and depictions in curriculum materials and present to committee for acceptance.                                             | Principal          | Sept. 1,<br>School year 1 |
| (b) Coordinate implementation of policy.                                                                                                                                             | Principal          | Oct. 1,<br>School year 1  |
| (2) (a) Review existing curricular material for gender bias.                                                                                                                         | L. Roy and T. Wood | Jan. 1,<br>School year 1  |
| (b) Develop plan to eradicate or neutralize said bias.                                                                                                                               | Steering Committee | June 31,<br>School year 1 |
| (3) Obtain list of women's studies resource materials from Manitoba Education.                                                                                                       | H. Lui             | June 15,<br>School Year 1 |
| (4) Develop curriculum resource material on women in history and in present society to be integrated throughout the social studies and language arts curriculum on a required basis. | Steering Committee | Dec 31,<br>School year 2  |
| (5) Organize two inservices on the following topics:                                                                                                                                 |                    |                           |
| (a) Women's issues and sexism for social studies and language arts teachers.                                                                                                         | M. Costa           | Dec. 31,<br>School year 2 |
| (b) Sexism and gender equality in education.                                                                                                                                         | R. Mankowski       |                           |

25. *Ibid.*

## 8. Implementation

Once the plan is developed and the necessary preparations made, it can be implemented. This will likely take 6-18 months, depending on the particular plan. Flexibility will be a key element of a successful implementation strategy since adjustments will likely be required on the part of all school participants. For example, new assignments and reassignments of staff may have to be made and time lines for changes altered.

Implementation of any plan requires careful monitoring through frequent communication among school participants on such things as progress made, difficulties encountered and frustrations experienced by those involved.

## 9. Evaluation

Evaluation is an integral component of an implementation process and is too often overlooked.

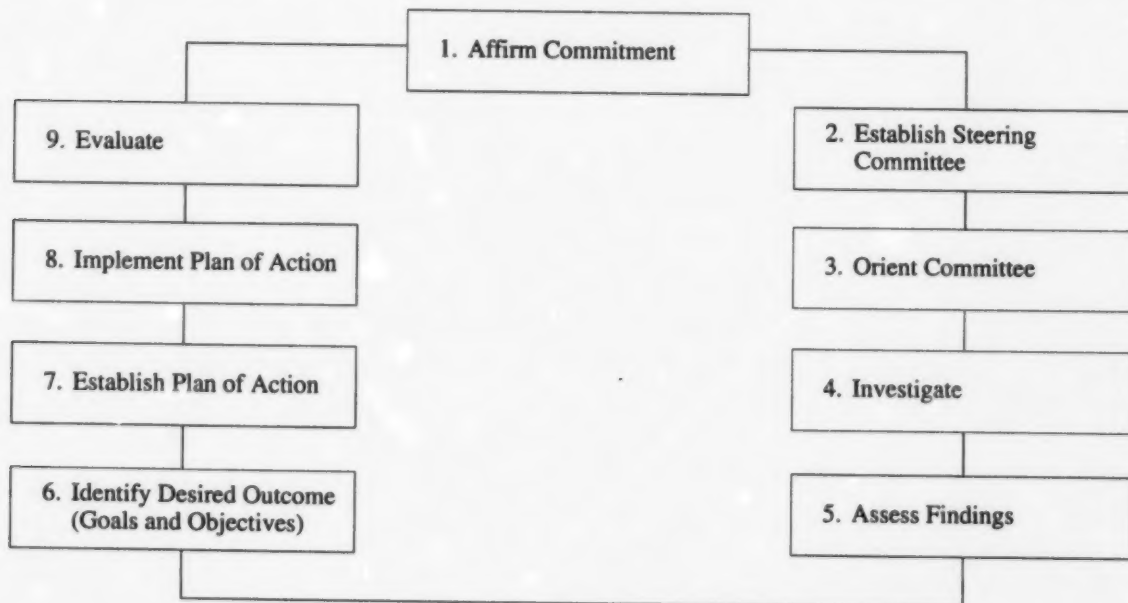
Only through evaluation can the extent to which the objectives were reached be determined. Evaluation enables assessment of a program in terms of costs and benefits, resource requirements and a determination of what is working or what should be changed or dropped.

## Summary

The preceding chapter has outlined some basic steps for forming a committee, completing a review of human rights practices in the school, and implementing a plan of action to strengthen such practices. These steps are summarized in Table V. They are designed to provide some guidance in using the manual while at the same time allowing enough flexibility that they can be adapted to the desires, needs and resources of each particular school. Ultimately, it will be up to each school to determine the most effective means by which the human rights issues identified in the guide are to be addressed by that school.

**Table V**

**IMPLEMENTATION PROCESS**





# Introduction to the Checklists

The checklists contained in the following four chapters are designed to assist users in reviewing the extent to which human rights principles are reflected in their school climate.

The checklists focus on the four human rights principles which are most relevant to the education process — equality, justice, democracy and fundamental freedoms. Each checklist item suggests an ethical standard of practice which is rooted in the Universal Declaration of Human Rights. A school may choose to make use of the checklists in their entirety or instead focus on only one of the four subsections. While some of the checklist items are not legal requirements, a number have been affirmed by legislation and/or the courts.

Some of the suggested standards, such as the item suggesting that co-operation should be emphasized in the school as well as competition, may not appear at first glance to relate directly to the human rights principles articulated in the Universal Declaration. Where this is the case, such items have been based on academic research which supports the importance of such practices to furthering human rights in the school.<sup>26</sup>

The checklists cover all aspects of the school environment (see Table VI). They focus on school management practices and policies which significantly determine the degree of observance of human rights principles.

**Table VI** SCHOOL ENVIRONMENT

- (1) Curriculum
- (2) Classroom structure and activities
- (3) Athletic courses and programs
- (4) Co-curricular programs such as
  - Clubs, including yearbook
  - Social functions, including dances, spirit/freshie week
  - Student council
  - Music, theatre
- (5) Counselling — career, course selection
- (6) Testing and assessment
- (7) School structure
  - General, including daily management routines, support programs
  - Employment, including hiring, working conditions, promotions and dismissals
  - Policies, rules and regulations
  - Parent involvement
- (8) Staff development

26. See Daniel McDougall, "Co-operation and the Reduction of Prejudice" (1983), in 6 *Multiculturalism* (No. 3), 3-6, which concludes that putting students in mixed groups to work on interdependent activities towards common goals can reduce prejudice.

The checklists are designed to apply to both elementary and secondary institutions. Nevertheless, there will be some items which are more relevant for certain grade levels than for others.

The guide attempts to deal primarily with practices which are within the management control of the school itself. Some issues, however, concern school divisional and even provincial policy areas. Where this is so, the challenge may be to work with those authorities towards the development of fair and non-discriminatory divisional and provincial policies.

Most rights are not absolute, but must be viewed, rather, in the context of other competing rights. Rights can be exercised only to the point that they unreasonably infringe on the rights of others. For example, a student's right to locker privacy may be infringed on where there are reasonable grounds for suspecting that the locker contains a bomb which threatens the safety of other school participants.

Likewise, a student's right to free expression must be weighed against the right of others to be treated with dignity. The challenge, then, is to find a balance between competing rights.

Before utilizing the checklists, reference should be made in Appendix I. It is essential to understand the meaning of the terms used in order to use the checklists effectively.

The language of the checklists may present difficulty for some school participants. Where feedback is sought from a large number of parents and students, some pilot schools found editing and translations of the checklists helpful.

Schools may not presently meet all, or even many, of the suggested standards. The developing social recognition of human rights principles and the need for their widespread protection requires a keen examination of our social institutions. This guide is part of that response.

**W**hen we think of the word “justice”, we most often equate it with the rules of fairness governing our system of criminal law. The human right to justice, however, has a broader application. It applies not only to our criminal justice system but to the administration of rules, regulations and vested power in state authorities. We might call this administrative justice, or the right of all to be treated equally before the law.<sup>27</sup> The term “justice” extends even further when used to refer to social justice. Social justice includes not only equality before the law — social justice demands the organization of society’s resources and institutions in such a way as to enable everyone to exercise all of their human rights equally. This section, however, will focus on administrative justice.

Administrative justice is essentially designed to protect citizens from abuse of power by state

authorities. The Universal Declaration of Human Rights specifies a number of rights which can be categorized as justice rights. They include the right to a fair and public hearing by an independent and impartial tribunal, the right to be presumed innocent until proven guilty, the right to present a defence, and freedom from cruel, inhuman and degrading treatment or punishment.<sup>28</sup>

The running of a public institution, such as a school, necessitates the establishment and administering of policies and procedures to ensure an effective learning environment. Commensurate with this right is the responsibility to manage with justice.

The checklist contained in this chapter addresses issues related to fair treatment of students, child abuse, discipline and privacy. It suggests standards for fair and just management, based on the notion of justice and on general human rights principles.

## Justice Issues

1. Does the school curriculum address the right to justice?
2. Are staff, students and parents kept informed about the discipline policies of the school?
3. Are students and staff given a reasonable chance to respond to accusations of misbehaviour?
4. Is the degree of the discipline administered to staff and students appropriate to the degree of the misbehaviour?
5. Does the school prohibit discipline which could be considered cruel, inhuman or degrading?

| Yes   | Somewhat | No    | Don't Know |
|-------|----------|-------|------------|
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |

27. See note 1, art. 7.

28. *Ibid.*, art. 5, 7, 9 - 12. See also the Canadian Charter of Rights and Freedoms, note 2.

|                                                                                                                                                                                         | Yes   | Somewhat | No    | Don't Know |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 6. Is the use of sarcasm, ridicule or other humiliating conduct by staff and students prohibited?                                                                                       | _____ | _____    | _____ | _____      |
| 7. Is punishment only administered to wrongdoers rather than to the entire class?                                                                                                       | _____ | _____    | _____ | _____      |
| 8. Are there procedures to object to or appeal decisions made within the school?                                                                                                        | _____ | _____    | _____ | _____      |
| 9. Does the school have a policy addressing the arbitrary detention of students?                                                                                                        | _____ | _____    | _____ | _____      |
| 10. Are searches of students' property, including student lockers, normally carried out only where reasonable cause exists and, where possible, in the presence of the owner?           | _____ | _____    | _____ | _____      |
| 11. Do staff treat confidential information with respect and keep it confidential? For example, do they refrain from discussing, in the community, personal information about students? | _____ | _____    | _____ | _____      |
| 12. Are students and staff made aware of the existence of records or information regarding them and the purpose of that record? <sup>29</sup>                                           | _____ | _____    | _____ | _____      |
| 13. Does school division policy allow staff and students to have access to their personal records and to the information necessary to interpret them?                                   | _____ | _____    | _____ | _____      |
| 14. Are students and staff able to formally challenge the accuracy and completeness of information contained in their personal records?                                                 | _____ | _____    | _____ | _____      |
| 15. Has the school administration informed all staff of the legal reporting requirements of suspected child abuse?                                                                      | _____ | _____    | _____ | _____      |
| 16. Does the school have a personal safety program to address the issues of physical or sexual abuse and to enable the reporting by students of such abuse?                             | _____ | _____    | _____ | _____      |
| 17. Does the school administration support employees in reporting suspected child physical or sexual abuse to the appropriate child and family services agency?                         | _____ | _____    | _____ | _____      |

29. Including marks, attendance records, aptitude tests, intelligence tests, psychological tests, medical records, anecdotal notes and reports.

**D**emocracy is the cornerstone of our political system. It is recognized as a principle of human rights by Article 21 of the Universal Declaration of Human Rights which states:

*Everyone has the right to take part in the government of his [or her] country, directly or through freely chosen representatives ... The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.<sup>30</sup>*

The task of educating a population of students is a complicated one and necessitates the appointment of individuals assigned to administer the education-

al institution. Democratic principles suggest, however, that input from each and every individual involved, including staff, students, volunteers and parents, be sought where possible. Public institutions are designed to accomplish a given objective that ultimately serves the people. Only through democratic decision-making can people develop a sense of ownership of our public institutions and learn the necessary skills to effectively take part in our democratic society.

The checklist contained in this chapter suggests guidelines for participatory management that are based on the principle of democracy. The guidelines for student input must be weighed against the students' level of development and the extent to which they are able to accept the corresponding responsibilities, (See Chapter 2).

## Democracy

1. Does the school curriculum address democracy?
2. Do students have the right to elect and maintain a representative student government?
3. Does the student council have the opportunity to raise funds and to develop its programs and activities?
4. Do students have the right to present their opinions to the student council?
5. Are staff, students and parents clearly informed about school policies and programs?

| Yes   | Somewhat | No    | Don't Know |
|-------|----------|-------|------------|
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |

30. Subarts. 1 and 3. See also Patrick Watson and Benjamin Barber, The Struggle for Democracy, (Toronto: Lester and Orpen Dennys Ltd., 1988).

|                                                                                                                             | Yes   | Somewhat | No    | Don't Know |
|-----------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 6. Does the school encourage input and feedback regarding school management practices and school goals and objectives from: |       |          |       |            |
| (a) students?                                                                                                               | _____ | _____    | _____ | _____      |
| (b) staff?                                                                                                                  | _____ | _____    | _____ | _____      |
| (c) parents?                                                                                                                | _____ | _____    | _____ | _____      |
| 7. Do students contribute to school and classroom programs and policies?                                                    | _____ | _____    | _____ | _____      |
| 8. Do teachers have input into their program planning and student evaluation?                                               | _____ | _____    | _____ | _____      |
| 9. Are parents permitted to visit in the classroom?                                                                         | _____ | _____    | _____ | _____      |
| 10. Do parents have the right to elect and maintain a representative parent council?                                        | _____ | _____    | _____ | _____      |

# Fundamental Freedoms

**T**he Universal Declaration of Human Rights asserts our right to freedom of movement, freedom of thought, conscience and religion, freedom of opinion and expression and freedom of assembly, among others.<sup>31</sup> Freedom, in its absolute form, is defined by the dictionary as "the state of being able to act without hindrance or restraint, liberty of action."<sup>32</sup> In society, human rights of freedom are subject to reasonable limitations.

If human rights are to be respected within the school, the fundamental freedoms of the school

participants must be respected and accommodated. Observance of fundamental freedoms will only be possible, however, to the extent that the freedoms of some do not unreasonably infringe on the human rights of others.

The following checklist addresses some issues relating to freedom of expression, religion, assembly, association and mobility as they pertain to the school. In the school setting, these rights obviously must be in balance with the right of its students to receive an education.

## Fundamental Freedoms

|                                                                                                                                 | Yes   | Somewhat | No    | Don't Know |
|---------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 1. Does the school curriculum address the right to freedom?                                                                     | _____ | _____    | _____ | _____      |
| 2. Are students free to express, exchange and discuss views and opinions in a climate which respects human rights?              | _____ | _____    | _____ | _____      |
| 3. (a) Do teachers provide students with opportunities to explore controversial issues freely in class?                         | _____ | _____    | _____ | _____      |
| (b) Is the teacher sufficiently informed about different views on the issue so as to properly guide and mediate the discussion? | _____ | _____    | _____ | _____      |
| (c) Does the teacher ensure that such discussions are respectful of the rights and dignity of others?                           | _____ | _____    | _____ | _____      |
| 4. Providing they respect the dignity and rights of others, do staff and students have the right:                               |       |          |       |            |
| (a) to produce and distribute publications, subject to the laws of defamation; and                                              | _____ | _____    | _____ | _____      |
| (b) to assemble on school property?                                                                                             | _____ | _____    | _____ | _____      |

31. Arts. 13, 14, 18 - 20. See also the Canadian Charter of Rights and Freedoms, note 2, secs. 2 and 6.

32. The Compact Edition of the Oxford English Dictionary, (1981).

|                                                                                                                                                                                                                                                                                                | Yes   | Somewhat | No    | Don't Know |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 5. Are students free to form whichever school clubs or associations they wish so long as such clubs and associations are consistent with the rights and dignity of others?                                                                                                                     | _____ | _____    | _____ | _____      |
| 6. Are school participants allowed freedom of dress and appearance provided it:                                                                                                                                                                                                                |       |          |       |            |
| (a) Does not substantially interfere with the educational process;                                                                                                                                                                                                                             | _____ | _____    | _____ | _____      |
| (b) Does not unduly affect the safety, health and well-being of students; <u>and</u>                                                                                                                                                                                                           | _____ | _____    | _____ | _____      |
| (c) Does not infringe on the rights and dignity of others?                                                                                                                                                                                                                                     | _____ | _____    | _____ | _____      |
| 7. Does the school reasonably accommodate school participants in observing their traditional religious practices where such observance is consistent with the rights and dignity of others?                                                                                                    | _____ | _____    | _____ | _____      |
| 8. Are school participants free to associate with groups or organizations of their choosing and to engage in political activity in the school so long as such activities are consistent with the rights and dignity of others and do not substantially interfere with the educational process? | _____ | _____    | _____ | _____      |
| 9. Does the school ensure that all areas of its buildings and grounds are well lit, supervised and secure when activities are in progress?                                                                                                                                                     | _____ | _____    | _____ | _____      |

**T**he Universal Declaration of Human Rights begins with the assertion that all individuals are equal in dignity and rights.<sup>33</sup> Freedom from discrimination, a principle articulated in Article 2 of the Universal Declaration of Human Rights, is essential to equality.

Many groups in our society do not participate proportionately in those areas considered most economically rewarding and politically powerful.<sup>34</sup> Statistics confirm these inequities. Discrimination based on gender, race, physical and mental disability and other group factors, is one of the barriers which restrict life choices for certain groups of individuals and which prevent such groups from fully participating in society.<sup>35</sup> Society suffers as well, since discrimination prevents all of us from enjoying the benefits of the work and talents of all of its members.

It can be said that there are two forms of discrimination, direct and indirect discrimination. Direct discrimination involves a clear act of unequal treatment. It may be an intentional, purposeful and overt act of discrimination or one which is less overt. It may even be unintentional and stem from ignorance on the part of the perpetrator. An example of direct discrimination is the intentional or unintentional ignoring by a teacher of her or his visible minority students for favoured assignments.

Not all discrimination, however, is apparent on its face. Some is more telling in its effects. Systemic discrimination that is indirect is built into the rules and structures of an organization in an apparently unintentional way. Systemic discrimination results where a general practice which is applied to all similarly, is in fact a disadvantage to a particular group. An example is a hiring policy which spec-

fies that applicants must be over 5'11" (or 1.7 meters) tall. Such a policy would disproportionately exclude female and Asian applicants, the majority of whom are shorter than 5'11". Favoured by this policy are Caucasian men, a substantial proportion of whom are taller than 5'11". (Such discrimination may be justified, however, if being over 5'11" in height is proven to be a reasonable requirement for the job and is imposed in good faith.<sup>36</sup>)

In order to ensure that everyone is being treated equally, we must re-examine not only our intentions and our policies and practices but the results of a given system.<sup>37</sup> For example, if a school division wishes to determine whether women and men have equal access to administrative positions within the division, it should examine its hiring practices for gender bias as well as determine the percentage of women employed in administration and in various hierarchical categories within its administration (e.g. senior vs junior management). A low percentage of women in any given job category, though not conclusive, is a strong signal that discriminatory barriers exist. These barriers may be the result of discriminatory practices of the school division itself, or they may stem from discriminatory practices of powers outside the control of the division. Only a thorough examination will reveal the source or sources of the problem.

Equality does not necessarily mean treating everyone the same. True equality is achieved when everyone has equal access to the benefits that society has to offer. This may require different treatment in order to accommodate the special needs of individuals and groups. For example, ensuring that a student who is learning disabled receives an education comparable to that of non-disabled peers may require that the school or school division not

33. See note 1, art. 1.

34. Abella, Judge Rosalie Silberman, *Report of the Commission on Equality in Employment*, (Ottawa: Minister of Supply and Services, 1984), pp. 3-4.

35. *Ibid.*

36. *Ontario Human Rights Commission v. Bureau of Etobicoke* (1982), 132 D.L.R. (3rd) 14, 3 C.H.R.R. D781.

37. See note 34, pp. 2-3.

only integrate the students into a 'regular' classroom, but also provide additional resources for that student.

The following set of checklists contain questions designed to determine the degree to which a school incorporates the principle of equality in its school management practices. The first checklist is an overview covering general equality issues. Schools seeking to have a large number of people complete the survey may wish to administer this section alone to a portion of participants, as a "short form" to the equality checklist. The following six checklists address issues of equality as they relate to those groups most likely affected by discrimina-

tion. The checklists cover equality issues related to gender/sex, race, ethnic origin and cultural background, disability, sexual orientation, family status and economic and social status.

A school which is characterized by equality is more likely to graduate students who are committed to the principle of equality, and who are empowered to make life choices based on their own individual interests and abilities regardless of sex, race, physical or mental ability, sexual orientation, religion, cultural background, family, economic or other status. We will all benefit from a society which maximizes the contribution of each one of its citizens.

### The School's Commitment to Equality

1. Are teaching strategies employed which assist students in identifying and responding to prejudice, stereotyping and discrimination?
2. Has the school developed effective methods and policies to respond to discriminatory behaviour of students, staff and school visitors?
3. Do school programs stress co-operation as well as competition?
4. Do teachers provide opportunities for co-operative learning?<sup>38</sup>
5. Are teachers encouraged to examine their expectations and treatment of students and consider whether they unintentionally reflect sexist or racist attitudes?
6. Do teaching activities:
  - (a) Allow for the development of self-esteem in each student?

| Yes   | Somewhat | No    | Don't Know |
|-------|----------|-------|------------|
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |
| _____ | _____    | _____ | _____      |

38. See note 26. Co-operative learning has been shown to reduce prejudice. It involves students working with mixed groups (i.e. gender, race) in interdependent activities toward common goals.

|                                                                                                                                                                                  | Yes   | Somewhat | No    | Don't Know |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| (b) Nurture the student's ability to <u>empathize</u> with persons of differing backgrounds?                                                                                     | _____ | _____    | _____ | _____      |
| (c) Expand the student's awareness of different values and approaches? <sup>39</sup>                                                                                             | _____ | _____    | _____ | _____      |
| 7. Are both female and male persons of diverse races, cultures and physical abilities and ages represented throughout various job categories within the school?                  | _____ | _____    | _____ | _____      |
| 8. (a) Are curriculum materials free of:                                                                                                                                         |       |          |       |            |
| (i) stereotypes?                                                                                                                                                                 | _____ | _____    | _____ | _____      |
| (ii) sexist and culturally biased language and thought?                                                                                                                          | _____ | _____    | _____ | _____      |
| (b) Where materials contain biases, are they discussed with students so as to encourage the student's development of critical analysis and to avoid reinforcing stereotypes?     | _____ | _____    | _____ | _____      |
| (c) Where such discussion would be stressful for students who are members of the group stereotyped, are alternative materials chosen?                                            | _____ | _____    | _____ | _____      |
| 9. Does the curriculum address the right to equality?                                                                                                                            | _____ | _____    | _____ | _____      |
| 10. (a) Are men and women of differing racial, occupational and cultural groups and of varying ages and physical abilities shown in a variety of roles, both active and passive? | _____ | _____    | _____ | _____      |
| (b) Are the accomplishments of women and men of all races, cultural groups, ages and physical abilities studied in the curriculum?                                               | _____ | _____    | _____ | _____      |
| (c) Are a variety of perspectives and views considered? For example, does the study of history consider the perspectives and experiences of poor as well as privileged people?   | _____ | _____    | _____ | _____      |
| 11. Do professional development programs address equality in education?                                                                                                          | _____ | _____    | _____ | _____      |

39. See research on effective teaching strategies for reducing prejudice in students in Charlotte C. Anderson, "Human Rights in Elementary and Middle Schools," in Margaret Stimmann Branson and Judith Torney Purta (eds.), *International Human Rights: Society and the Schools* (Washington, D.C.: National Council for Social Studies, 1982), pp. 50-58.

|                                                                                                                                                                                                                                                                                                                | Yes   | Somewhat | No    | Don't Know |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 12. Does the performance review of staff consider whether the employee's conduct supports the school's commitment to equality?                                                                                                                                                                                 | _____ | _____    | _____ | _____      |
| 13. Are the effects of rules that appear neutral in their application examined to see if a particular group is adversely affected? For example, the scheduling of an exam, without regard to the religious holidays of various cultural groups, may interfere with the religious observances of some students. | _____ | _____    | _____ | _____      |
| 14. Does the school actively discourage and take measures to stop the use of:                                                                                                                                                                                                                                  |       |          |       |            |
| (a) racist and sexist jokes and images?                                                                                                                                                                                                                                                                        | _____ | _____    | _____ | _____      |
| (b) other insulting or disparaging statements and images, especially those directed toward a particular group?                                                                                                                                                                                                 | _____ | _____    | _____ | _____      |
| 15. Is there a school library policy governing the selection of new learning resources that stresses the acquisition of non-sexist and non-racist materials?                                                                                                                                                   | _____ | _____    | _____ | _____      |
| 16. (a) Are library resources reviewed as to bias on the basis of, for example, sex, race, culture and disability?                                                                                                                                                                                             | _____ | _____    | _____ | _____      |
| (b) Are offensively biased materials removed from open shelves?                                                                                                                                                                                                                                                | _____ | _____    | _____ | _____      |
| (c) Where the materials are biased, is the bias identified and addressed?                                                                                                                                                                                                                                      | _____ | _____    | _____ | _____      |
| 17. Are all school communications (i.e., memos, letters, notes) written in cultural sensitive and gender-inclusive language? <sup>40</sup>                                                                                                                                                                     | _____ | _____    | _____ | _____      |
| 18. (a) Do student course enrollments reveal an over-representation or under-representation proportionate to the sex and/or race of students?                                                                                                                                                                  | _____ | _____    | _____ | _____      |
| (b) If so, does the school take measures to encourage equal enrollment?                                                                                                                                                                                                                                        | _____ | _____    | _____ | _____      |

40. Do school communications use "he or she"/"she or he" and "her or his"/"his or her" rather than assume that male gender nouns and pronouns include women as well as men.

|                                                                                                                                                                                                                     | Yes   | Somewhat | No    | Don't Know |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 19. (a) Do students participate equally in class discussions?                                                                                                                                                       | _____ | _____    | _____ | _____      |
| (b) Does the student leadership within the school reflect the diversity of the school population?                                                                                                                   | _____ | _____    | _____ | _____      |
| (c) If not, does the school or individual teacher take measures to enhance equal participation?                                                                                                                     | _____ | _____    | _____ | _____      |
| 20. Is discipline generally applied equally without regard to sex, religion, race, cultural background or other status?                                                                                             | _____ | _____    | _____ | _____      |
| 21. Do community role models and authority figures participating in school programs include both male and female persons of different races, ages, cultures and physical abilities, social and economic lifestyles? | _____ | _____    | _____ | _____      |
| 22. Does the school celebrate leaders and heroes, female and male, of different races, cultures, ages and physical abilities, social and economic lifestyles?                                                       | _____ | _____    | _____ | _____      |
| 23. Are testing and assessment routinely examined for gender and cultural bias?                                                                                                                                     | _____ | _____    | _____ | _____      |
| 24. Do school counselors encourage and support students in overcoming bias and stereotyping in their educational and career choices?                                                                                | _____ | _____    | _____ | _____      |
| 25. (a) Are school counselors or other school personnel trained and competent to assist students who face harassment and other forms of discrimination?                                                             | _____ | _____    | _____ | _____      |
| (b) If not, is training provided to enable counselors to acquire the necessary skills?                                                                                                                              | _____ | _____    | _____ | _____      |

**A. Gender/Sex**

|                                                                                                                                                    | Yes   | Somewhat | No    | Don't Know |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 1. Do ongoing professional development programs address:                                                                                           |       |          |       |            |
| (a) sexism and its adverse impact, particularly on female students; and                                                                            | _____ | _____    | _____ | _____      |
| (b) a non-sexist learning environment for both male and female students?                                                                           | _____ | _____    | _____ | _____      |
| 2. Does the curriculum emphasize the lives, contributions, hardships and triumphs of women as well as men throughout history and around the world? | _____ | _____    | _____ | _____      |
| 3. Does the school curriculum address the issue of psychological, sexual and physical abuse and violence against females?                          | _____ | _____    | _____ | _____      |
| 4. Is nurturance, compassion, co-operation and intuitive thinking encouraged in both male and female students?                                     | _____ | _____    | _____ | _____      |
| 5. Is assertiveness, independence and logical thinking encouraged in both female and male students?                                                | _____ | _____    | _____ | _____      |
| 6. Are both female and male students encouraged to develop physical skills and strengths?                                                          | _____ | _____    | _____ | _____      |
| 7. Are students assisted in developing a critical awareness of sexism and of effective strategies for responding to it in their lives?             | _____ | _____    | _____ | _____      |
| 8. Are tasks assigned to children and to adults according to interest and ability, irrespective of traditional gender roles?                       | _____ | _____    | _____ | _____      |
| 9. Are resources for athletic and co-curricular programs divided equally between activities for male and female students?                          | _____ | _____    | _____ | _____      |
| 10. (a) Does the school have a policy on sexual harassment?                                                                                        | _____ | _____    | _____ | _____      |
| (b) Is this policy clearly communicated annually to all school participants?                                                                       | _____ | _____    | _____ | _____      |

|                                                                                                                                                                                                          | Yes   | Somewhat | No    | Don't Know |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| (c) Does the school have an effective procedure for responding to complaints of sexual harassment or of sexist conduct?                                                                                  | _____ | _____    | _____ | _____      |
| 11. (a) Are school counselors and other school personnel trained and competent to assist students who have been sexually harassed, sexually abused or assaulted?                                         | _____ | _____    | _____ | _____      |
| (b) If not, is training provided to enable counselors to acquire the necessary skills?                                                                                                                   | _____ | _____    | _____ | _____      |
| 12. Does the school provide a training program for female students in self-defense techniques to be used in case of sexual assault?                                                                      | _____ | _____    | _____ | _____      |
| <b>B. Race, Ethnic Origin and Culture</b>                                                                                                                                                                |       |          |       |            |
| 1. Do ongoing professional development programs address racism, its impact on students and of the benefits of a non-racist learning environment?                                                         | _____ | _____    | _____ | _____      |
| 2. (a) Does the curriculum provide opportunities for students to learn about each others racial and cultural heritage?                                                                                   | _____ | _____    | _____ | _____      |
| (b) If so, do the teachers stress the cultural similarities among racial and cultural groups rather than emphasizing differences? <sup>41</sup>                                                          | _____ | _____    | _____ | _____      |
| 3. Is history taught from a multi-centric rather than Euro-centric perspective? For example, when studying the European exploration of Canada are the perspectives of Aboriginal communities considered? | _____ | _____    | _____ | _____      |
| 4. Are students assisted in developing a critical awareness of racism and strategies for responding to it?                                                                                               | _____ | _____    | _____ | _____      |
| 5. Does the school support the implementation of Aboriginal and heritage language courses? (i.e., Cree, Ukrainian, Vietnamese.)                                                                          | _____ | _____    | _____ | _____      |

41. Adapted from Dr. John Kehoe's guidelines for reducing prejudice through classroom materials based on research available in Canada and the United States as presented in Michael Roe, *Multiculturalism, Racism, and the Classroom: A CEA Report* (Toronto: Canadian Education Association, 1982), p. 38.

|                                                                                                                                                                                                                                                                                    | Yes   | Somewhat | No    | Don't Know |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 6. Do teaching strategies recognize and respond to cultural variations in learning styles of students within the school? For example, do teaching strategies support learning in students whose learning style is observational, interactive, or experiential?                     | _____ | _____    | _____ | _____      |
| 7. Do school holidays, celebrations and themes reflect and respect the multi-cultural makeup of the school? <sup>42</sup>                                                                                                                                                          | _____ | _____    | _____ | _____      |
| 8. Does the curriculum reflect the interests of diverse cultural and racial groups? For example, where the school has a large student population with a Caribbean cultural background, does the physical education curriculum include cricket as well as, or instead of, baseball? | _____ | _____    | _____ | _____      |
| 9. Does the school reasonably accommodate parents who wish the school to communicate in their first language?                                                                                                                                                                      | _____ | _____    | _____ | _____      |
| 10. Where religious exercises are conducted within the school, are they optional and reflective of the religious diversity of the school population?                                                                                                                               | _____ | _____    | _____ | _____      |
| 11. (a) Does the school cafeteria menu accommodate, where reasonable, the religious beliefs and practices of students and staff?                                                                                                                                                   | _____ | _____    | _____ | _____      |
| (b) Does it provide food selections from cultures represented by students and staff?                                                                                                                                                                                               | _____ | _____    | _____ | _____      |
| <b>C. Physical and Mental Ability</b>                                                                                                                                                                                                                                              |       |          |       |            |
| 1. If the school and all of its facilities and services accessible to and usable by people with disabilities?                                                                                                                                                                      | _____ | _____    | _____ | _____      |
| 2. Are students with disabilities integrated, where reasonable, into regular classrooms and are their special needs reasonably accommodated?                                                                                                                                       | _____ | _____    | _____ | _____      |
| 3. Are teachers who have integrated classes knowledgeable of appropriate teaching strategies for those classrooms and provided with the necessary supports? <sup>43</sup>                                                                                                          | _____ | _____    | _____ | _____      |

42. *Ibid.*

43. Catherine A. Hill and John B. Whitely, "Social Interactions and On Task Behaviour of Severely Multihandicapped and Non-handicapped Children in Mainstreamed Classrooms" (1985), *Canadian Journal for Exceptional Children* (No. 4), pp. 136-140.

|                                                                                                                                                                                                                                                   | Yes   | Somewhat | No    | Don't Know |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 4. Are decisions regarding the integration of students with disabilities into 'regular' classrooms made with qualified and objective assessment and consultation between students, parents, teachers, school administrators and resource persons? | _____ | _____    | _____ | _____      |
| 5. Do ongoing professional development programs offer opportunities for staff to learn about disabilities and about ways of supporting students who are disabled?                                                                                 | _____ | _____    | _____ | _____      |
| 6. Are teachers made aware of the characteristics and learning styles of students with physical, mental and learning disabilities?                                                                                                                | _____ | _____    | _____ | _____      |
| 7. Are students taught how physical and attitudinal barriers discriminate against people with disabilities?                                                                                                                                       | _____ | _____    | _____ | _____      |
| 8. (a) Does the school make reasonable efforts to accommodate students with disabilities in school athletic programs?                                                                                                                             | _____ | _____    | _____ | _____      |
| (b) Where reasonable accommodation is not possible, does the school develop alternatives which provide parallel learning opportunities?                                                                                                           | _____ | _____    | _____ | _____      |
| <b>D. Sexual Orientation</b>                                                                                                                                                                                                                      |       |          |       |            |
| 1. Is the school's selection process for the hiring and promotion of staff free of discrimination based on sexual orientation?                                                                                                                    | _____ | _____    | _____ | _____      |
| 2. (a) Does the school's provision for compassionate and other leave for employees apply equally to persons whose partners are of the same gender?                                                                                                | _____ | _____    | _____ | _____      |
| (b) Does the school's employee benefit plan apply equally to employees whose partners are of the same gender?                                                                                                                                     | _____ | _____    | _____ | _____      |

|                                                                                                                                                                     | Yes   | Somewhat | No    | Don't Know |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 3. Does the school respect the rights of students, their parents and of staff:                                                                                      |       |          |       |            |
| (a) To invite companions of their choice to school functions, such as dances and graduations?                                                                       | _____ | _____    | _____ | _____      |
| (b) To make reference to all persons who are significant in their lives?                                                                                            | _____ | _____    | _____ | _____      |
| 4. (a) Does the school have a clearly communicated policy prohibiting harassment based on sexual orientation?                                                       | _____ | _____    | _____ | _____      |
| (b) Do staff respond effectively to stop harassment based on sexual orientation that is directed against students or staff?                                         | _____ | _____    | _____ | _____      |
| 5. Do staff actively discourage the use of homophobic jokes, images or statements?                                                                                  | _____ | _____    | _____ | _____      |
| 6. Are school counselors informed and qualified to provide students with information in response to questions concerning sexual orientation?                        | _____ | _____    | _____ | _____      |
| 7. Is the school's sex education program balanced and informative with respect to all sexual orientations?                                                          | _____ | _____    | _____ | _____      |
| 8. Are the books in the school library balanced with respect to all sexual orientations?                                                                            | _____ | _____    | _____ | _____      |
| 9. Is there a selection of books in the school library that is of particular interest to gay or lesbian students, and to students whose parents are lesbian or gay? | _____ | _____    | _____ | _____      |
| 10. Are classes taught in a manner that is respectful of the dignity and worth of all individuals regardless of sexual orientation?                                 | _____ | _____    | _____ | _____      |
| <b>E. Family Status</b>                                                                                                                                             |       |          |       |            |
| 1. Does the school accommodate diversity of students' caregiving and custody arrangements?                                                                          | _____ | _____    | _____ | _____      |
| 2. Does the curriculum depict the variety of forms of the modern family?                                                                                            | _____ | _____    | _____ | _____      |

|                                                                                                                                                                                                               | Yes   | Somewhat | No    | Don't Know |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|
| 3. Are efforts made to accommodate students with nursing babies or small children?                                                                                                                            | _____ | _____    | _____ | _____      |
| 4. Do any activities that mark 'mother's day/father's day' emphasize honouring the student's caregivers, whoever they might be?                                                                               | _____ | _____    | _____ | _____      |
| <b>F. Economic and Social Status</b>                                                                                                                                                                          |       |          |       |            |
| 1. Does the school provide needy students with those school resource items which are mandatory?                                                                                                               | _____ | _____    | _____ | _____      |
| 2. (a) Do schedules for parent-teacher meetings and school events accommodate the schedules of working parents and shift workers?                                                                             | _____ | _____    | _____ | _____      |
| (b) Is child care provided?                                                                                                                                                                                   | _____ | _____    | _____ | _____      |
| 3. Are efforts made to increase accessibility of athletic and co-curricular activities to all students, regardless of economic resources, through the provision of necessary equipment, transportation, etc.? | _____ | _____    | _____ | _____      |
| 4. Does the curriculum address:                                                                                                                                                                               |       |          |       |            |
| (a) Issues of socio-economic status, poverty and unemployment?                                                                                                                                                | _____ | _____    | _____ | _____      |
| (b) The nature of our social, economic and political structure and its implications for equality of opportunity?                                                                                              | _____ | _____    | _____ | _____      |
| 5. Are counselors sensitive to the needs of students with insufficient family resources?                                                                                                                      | _____ | _____    | _____ | _____      |
| 6. Does the school identify and respond to students who are lacking basic needs such as clothing, food and housing where there is evidence of deprivation? <sup>44</sup>                                      | _____ | _____    | _____ | _____      |
| 7. Do professional development programs offer opportunities for teachers to grow in their understanding of our social, economic and political structures as they relate to the principle of equality?         | _____ | _____    | _____ | _____      |

44. See Paul De Groot, "Love and Faith in the Inner City School," *Canadian Lutheran*, February, 1987, pp. 20-24.



# Definitions

**Bias:**

An opinion, preference or inclination formed without reasonable justification.<sup>45</sup>

**Class:**

The economic, social and political relationships in which people operate in a given social order. These relationships reflect the constraints and the limitations that people experience in areas of income level, type of occupation or sense of ownership and other markers of social rank.<sup>46</sup>

**Cooperative learning:**

Students working in mixed groups in interdependent activities toward common goals.

**Culture:**

The totality of ideas, beliefs, values, activities and knowledge of a group of individuals who share historical, geographical, religious, racial, linguistic, ethnic or social traditions and who transmit, reinforce and modify those traditions.<sup>47</sup>

**Disability:**

Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.<sup>48</sup>

**Democracy:**

Government by the people; that form of government in which the sovereign power is vested in the people as a whole, and is exercised either directly by them or indirectly through a system of representation usually involving periodically-held free elections.

**Direct Discrimination:**

Discrimination which is an obvious case of unequal treatment, whether intentional or unintentional. An example would be either the intentional ignoring or the unintentional overlooking of students from a

particular cultural group for favoured assignments. (See the definition of systemic discrimination.)

**Discrimination:**

Unequal treatment, intentional or unintentional, directed against a group as a whole or an individual because she or he is a member of or presumed to be a member of that group, rather than on the basis of his or her actual characteristics. Discrimination may be either direct or indirect. (See also the definition of systemic discrimination.)

**Ethnic Group:**

A community based upon the ascribed status of a diffuse ancestry that is maintained by a shared culture, language or religion; a human group bound together by similar cultural values with a prevailing loyalty and adherence to certain basic institutions such as a family pattern, religion and language.<sup>49</sup>

**Equality:**

Just participation in and access to the benefits of society. Achieving just participation and access may require different treatment of particular individuals or groups in order to accommodate their special needs and to overcome the effects of past discrimination. (See section 15(2) of the Canadian Charter of Rights and Freedoms). For example, ensuring that a student who is learning disabled receives an education comparable to that of her or his non-disabled peers may require that the school or school division not only integrate the student into a 'regular' classroom but also provide additional resources for that student. Similarly, achieving equal participation for women in a school division may require the implementation of an employment equity program designed to overcome the effects of past discrimination against women in management.

45. *Towards a Policy... Race and Ethnic Relations in the Education System*, (Ontario): Ministry of Labour, [1987], p. 18.

46. *Enid Lee, Letters to Marcia*, (Toronto: Cross Cultural Communication Centre, 1983), p. 11.

47. See note 45.

48. *United Nations Decade of Disabled Persons, 1983-1992: World Programme of Action Concerning Disabled Persons*, (New York: United Nations, 1983), p. 3.

49. Adapted from note 45.

**Ethnocentric:**

Regarding one's own race or culture as the most important and judging other cultures as wrong or inferior simply because they do things differently.<sup>50</sup>

**Euro-centric:**

Employing or validating only the European or Euro-Canadian point of view.<sup>51</sup>

**Family Status:**

Includes the status of being a parent, not being a parent, the manner and/or possibility of becoming a parent, and any manner in which individuals present themselves as family members or are perceived to be family members.

**Freedom:**

Liberty of action; the state of being able to act without hindrance or restraint.<sup>52</sup>

**Fundamental Freedoms:**

Freedoms which are considered inherent to the concept of human dignity and affirmed in the Universal Declaration of Human Rights and the Canadian Charter of Rights and Freedoms. Fundamental freedoms include, but are not limited to, freedom of speech, freedom of opinion and expression, freedom of conscience and religion, security of the person, freedom of movement, freedom of peaceful assembly and freedom of association.

**Harassment:**

Abusive and unwelcome conduct or comments.

**Homophobia:**

An irrational fear or hatred of homosexuality or homosexual persons.<sup>53</sup>

**In Loco Parentis:**

Acting in the place of a parent; instead of a parent.<sup>54</sup>

**Justice:**

Fair and equal treatment. Treatment which allows each of us to exercise all of our human rights equally.

**Overt:**

Openly and easily observable.<sup>55</sup>

**Parent:**

Mother, father, legal guardian, or other person who is in loco parentis.

**Minority:**

A group with a certain set of characteristics which set it apart from the dominant group in a society. The group is usually aware of itself as having a depressed status relative to the majority and may be subjected to unequal and differential treatment. This group may be a numerical majority in world terms or even community terms.<sup>56</sup>

**Prejudice:**

An unfavourable opinion or feeling formed beforehand or without knowledge, thought or reason.<sup>57</sup>

**Race:**

A socially created category to classify humankind according to common ancestry or descent, and reliant upon differentiation by general physical or cultural characteristics such as colour of skin and eyes, hair type, historical experience, and facial features.<sup>58</sup>

**Racial Discrimination:**

Any distinction, exclusion, restriction or preference, intentional or unintentional, based on race, colour, cultural or ethnic origin that has the purpose of nullifying or impairing the equal enjoyment or exercise of human rights.<sup>59</sup>

50. *Equality Now*, (Ottawa: House of Commons, 1984), p. 143.

51. Adapted from *Multicultural Non-sexist Education in Iowa Schools: School Administration*, (Des Moines: State of Iowa Department of Education, 1988), p. ii.

52. See note 32.

53. Adapted from *12,000 Words: A Supplement to Webster's Third New International Dictionary*, (1986).

54. *Black's Law Dictionary*, Revised 4th ed.

55. *The Random House Dictionary*, 1980.

56. See note 46, p. 12.

57. *The Random House Dictionary of the English Language*, 2nd Unabridged, (1983).

58. Adapted from note 46 p. 12.

59. Adapted from note 45 p. 19.

**Racism:**

A set of implicit or explicit beliefs, assumptions and actions based upon an ideology of inherent superiority of one racial or ethnic group over another. Racism can be evident within organizational or institutional structures and programs as well as within individual thought or behaviour patterns.<sup>60</sup>

**Reasonable Accommodation:**

Providing or modifying devices, goods, services or facilities or changing practices or procedures in order to provide access for a particular person with a particular activity. The duty to accommodate is not unlimited. The employer or provider of services need not accommodate to the point of undue hardship. For example, many theatres now accommodate people who use wheelchairs by removing some of their regular seating.

**Sexism:**

A set of implicit beliefs, attitudes and behaviours in which distinctions between people's worth and roles are made based on their biological sex. Sexism can be evident within organizational or institutional structures and programs as well as within individual thought or behaviour patterns.<sup>61</sup>

**Sexual Discrimination:**

Any distinction, exclusion, restriction or preference, intentional or unintentional, based on biological sex that has the purpose of nullifying or impairing the equal enjoyment or exercise of human rights or roles.<sup>62</sup>

**Sexual Harassment:**

Abusive and unwelcome conduct or comment that is either:

- (a) An objectionable and unwelcome sexual solicitation or advance; or
- (b) A sexual solicitation or advance made by a person who is in a position to confer any benefit

on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

- (c) A reprisal or threat for rejecting a sexual solicitation or advance.<sup>63</sup>

**Sexual Orientation:**

Heterosexuality, homosexuality or bisexuality.

**Social Justice:**

The organization of the resources and institutions of society in such a way as to ensure that all people are equally able to exercise their human rights.

**Socio-Economic Status:**

Status accorded by society based on one's level of social prestige and one's share of resources and power within society.

**Stereotype:**

A definition, image or statement based on a fixed set of ideas, often exaggerated and distorted, concerning what are thought to be characteristics of all members of a group and allowing for no individual differences.

**Systemic Discrimination:**

A policy, practice or procedure that may appear, at first glance, to be neutral and applied equally to all individuals but which results in differential treatment to a particular group. One example is a requirement by an employer that all employees in a certain job be over 5'11" or 1.7 meters in height. If this requirement cannot be shown to be a genuine job requirement, it could be held to be discriminatory as it has a tendency to prevent the hiring of females and individuals of certain racial and/or ethnic minority groups. Another example could be a practice of posting job vacancies in a location which is physically inaccessible to persons unable to climb stairs. This denies equal access to important employment information.<sup>64</sup>

60. Ibid.

61. Adapted from the definition of "racism", note 45, p. 19, and Alan Bullock, Oliver Sullybrass and Stephen Trombley (eds.), *The Fontana Dictionary of Modern Thought*, 2nd ed., (London: Fontana, 1988).

62. Adapted from the definition of "racial discrimination," note 45, p. 19.

63. Adapted from *The Human Rights Code*, S.M. 1987-88, C.45, s. 19(2).

64. Adapted from *Special Programs: A Preliminary Guide*, (Winnipeg: Manitoba Human Rights Commission, 1989).

**Visible Minorities:**

A group defined and treated by the dominant ethnocultural group on the basis of being visibly different.

**Women's Studies:**

The interdisciplinary study of women in society. It places women at the centre of the learning process.

Women's studies examines women's status, role, women's knowledge, experience, writing, actions and beliefs in the past and the present. It supports women's equality by fostering critical consciousness of the social inequalities affecting women, including those based on race, class, sexual orientation, differing abilities and age.<sup>65</sup>

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65. Adapted from the Women's Studies Committee Bylaws, University of Manitoba, adopted 1989, opening paragraph.

# Universal Declaration Of Human Rights

*Gender Inclusive Version (Manitoba Human Rights Commission)*

**Whereas** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

**Whereas** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of humankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

**Whereas** it is essential, if human beings are not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

**Whereas** it is essential to promote the development of friendly relations between nations.

**Whereas** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

**Whereas** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

**Whereas** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

**Now therefore, the General Assembly proclaims This Universal Declaration of Human Rights** as a common standard of achievement for all peoples and all nations to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and

education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

## Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood and sisterhood.

## Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 3

Everyone has the right to life, liberty and security of person.

## Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

## Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

## Article 6

Everyone has the right to recognition everywhere as a person before the law.

**Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him or her by the constitution or by law.

**Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of her or his rights and obligations and of any criminal charge against her or him.

**Article 11**

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which she or he has had all the guarantees necessary for his or her defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12**

No one shall be subjected to arbitrary interference with her or his privacy, family, home or correspondence, nor to attacks upon his or her honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13**

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.

- (2) Everyone has the right to leave any country, including her or his own, and to return to his or her country.

**Article 14**

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of her or his nationality nor denied the right to change his or her nationality.

**Article 16**

- (1) Women and men of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of her or his property.

**Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his or her religion or belief, and freedom, either alone or in community with others and in public or private, to manifest her or his religion or belief in teaching, practice, worship and observance.

**Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold

opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

#### Article 21

- (1) Everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in her or his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his or her dignity and the free development of her or his personality.

#### Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration insuring for himself or herself and her or his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his or her interests.

#### Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well being of herself or himself and of her or his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### Article 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 27

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.

**Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29**

- (1) Everyone has duties to the community in which alone the free and full development of her or his personality is possible.
- (2) In the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others

and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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